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NOTES AND ABSTRACTS

ANTHROPOLOGY—PSYCHOLOGY—LEGAL MEDICINE

Sterilization Studies of the Committee on Cacogenic Control.—At a meeting of the Council of the Eugenics Research Association on March 19, a vote was extended to the "Committee to Study and to Report on the Best Practical Means to Cut off the Defective Germ-Plasm of the American Population," which was formerly associated with the Eugenics Section of the American Breeders' Association, to assume the new title "Committee on Cacogenic Control," and as such to become affiliated with the Eugenics Research Association, the committee to remain under the chairmanship of Mr. Bleecker Van Wagenen. This invitation was duly accepted by the chairman, and the committee has again taken up its studies. At present it is engaged in collecting and analyzing data concerning the working out of the several eugenical sterilization laws including those enacted since the committee's last report in February, 1914.

The following is a complete roster of the state laws bearing upon eugenical sterilization:

1. Indiana, approved March 9, 1907.
2. Washington, approved March 22, 1909.
3. California, approved April 26, 1909.
4. Connecticut, approved August 12, 1909.
5. Nevada, approved March 17, 1911.
6. Iowa, approved April 10, 1911.
7. New Jersey, approved April 21, 1918.
8. New York, approved April 16, 1912.
9. North Dakota, approved March 13, 1918.
10. Michigan, approved April 1, 1913.
11. Iowa, approved April 19, 1913.
12. California, approved June 13, 1913.
13. Kansas, returned unsigned by Governor, March 14, 1913, and became a law without his signature.
14. Wisconsin, approved July 30, 1913.
15. Iowa, effective July 4, 1915.
16. Nebraska, effective without the Governor's signature, July 8, 1915.
17. Oregon, effective May 21, 1917.
18. Kansas, effective May 26, 1917.
19. South Dakota, effective July 1, 1917.
20. California, effective July 26, 1917.
21. California, effective July 31, 1917.

In Washington and Nevada the law is purely punitive, but being applied only to rapists is considered eugenical in its effect. In all the other states the law is either eugenical and therapeutic, or purely eugenical in its motives.

In the past, laws have been vetoed by the governors of Pennsylvania (1905), Oregon (1909), Vermont (1913) and Nebraska (1913).

In six states the statute has been before the courts. In Washington (1912) it was held constitutional. In Nevada the case is still pending. In New

Jersey (1913) it was declared to constitute "class legislation," by applying only to individuals within state institutions and not to the members of the same natural class in the population at large. In Iowa the Federal District Court (1914) declared the statute to constitute a "bill of attainder." Following this decision, Iowa repealed her (1913) law, and enacted a new one (1915) which applies only to Hospitals for the Insane, and which in each case requires the consent of the patient's family. The New York statute, which was copied after that of New Jersey, was held (1918) by the court to constitute "class legislation." In Michigan the court, following the decisions found in New Jersey and New York, declared (1918) the law to constitute "class legislation."

In reading the several decisions it is clear that if the statute provided for the sterilization of all persons within the state who present a certain constitutional condition it would be very apt to stand the scrutiny of the courts so far as "class legislation" is concerned, even though only a single type of degeneracy be subjected to the operation.

Iowa has enacted three laws on the subject. In Oregon the proposed legislation of 1909 was vetoed, but reached the statute books in 1913, was vetoed in 1913, but reënacted in the same year. Finally (1917) a new statute following quite closely the model law of the Committee on Cacogenic Control was enacted. In Nebraska the proposed law was vetoed in 1913, but reënacted in 1915. The California statute of 1909 applied to insane, feeble-minded, and criminal classes. The later statutes have confined the law to the insane and feeble-minded, and have extended it to new institutions for these classes.

As to the working out of these statutes, up to March 1, 1918, California had performed 1,077 operations; Connecticut, 12; Indiana, 118; Iowa, 67; Kansas, 3; Michigan, 0; Oregon, 17; Nebraska, 25; Nevada, 0; New Jersey, 0; New York, 9; North Dakota, 32; South Dakota, 0; Washington 1; Wisconsin, 61. Total, 1422.—From *Eugenical News*, May, 1918.

Wisconsin Eugenics Laws.—The "eugenetic law relating to marriage" of Wisconsin was passed hurriedly in 1913, was so poorly worded as to lead to much discussion and thus resulted in wide education of the citizens regarding the nature and purpose of the law. In 1917 it was revised in the light of experience. Dr. M. F. Guyer, reviewing this legislation (*"Amer. Jour. Obstetrics,"* vol. 77, pp. 485-492), says that "there can be no doubt that, in general, public opinion in Wisconsin is strongly in favor" of the measure embodied in the law. The State Health Officer, "the one person who knows in greatest detail how that law is working out . . . feels very well satisfied with the measure and is convinced that it is accomplishing much good. It has already prevented the marriage of a considerable number of people infected with venereal disease in a communicable form. . . . Opposition has about disappeared" and only occasional applicants for a marriage license resent it." Even men from other states, contemplating marriage, have made application to the Wisconsin State Health Officer for examination." Undoubted education of the public in regard to the dangers to meet which the law was passed "is one of the chief benefits of the law." There is still considerable difference of opinion in regard to the value of the law requiring physicians to report all cases of venereal disease in the communicable stage treated by them.

Dr. Guyer then gives the text of the law authorizing the sterilization of criminals, insane, feeble-minded and epileptic individuals, which was passed